



Proposed Amendments to Technical Standards Related to Digital Recording in Courts

COT – November 9, 2012
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Context

- ▶ **Keeping the Record Committee Final Report (12/2005) Recommendations**
 - ▶ Officially sanction digital recording alternatives to court reporters in certain situations
 - ▶ Set retention schedules for electronic transcripts and audio recordings
 - ▶ Older records must be refreshed and migrated
 - ▶ Set minimum equipment and operating standards to protect availability and integrity of audio records created
 - ▶ Review the technology landscape for audio recoding annually to keep pace with innovation
- ▶ **Input from Final Report Appendix H and Maricopa Superior Court SME**
- ▶ **Requirements and recommended practices codified in ACJA §I-602, issued June 28, 2006**
 - ▶ Definitions
 - ▶ Technical Requirements
 - ▶ Operational Requirements
 - ▶ Recommended Practices
 - ▶ Periodic Review by COT
- ▶ **Annual review requirement called to staff's attention this summer**
 - ▶ Staff reviewed on your behalf...



Development of Changes

- ▶ Circulated to Maricopa Superior Court's replacement for the original subject matter expert
- ▶ Circulated to AOC resource supporting recording of high profile Thomas hearings at Supreme Court
- ▶ Reviewed their changes with AOC Court Services Division representatives
- ▶ Selfishly changed frequency for review from “annually” to “periodically”
 - ▶ Recording technology is mature; best practices remain in flux



Specific Proposed Changes



- ▶ Distinction between confidence monitoring and input monitoring
 - ▶ Test recording and playback versus mere verification of input signal being received (clarified in definitions)
 - ▶ “System check” added to definitions replacing “confidence monitoring”
- ▶ System check required in advance of any court proceedings following loss of power or system shutdown
- ▶ Added “format” to list of requirements for audio files
 - ▶ Always specified in ACJA I-506 (D)(5)(b) for multimedia
 - ▶ TAC interpretation: non-proprietary format must be available in audio recording software even if default is proprietary



Specific Proposed Changes (cont'd)



- ▶ Clarified circumstance in which recording is official record
 - ▶ When no certified court reporter is present, the electronic recording is the record used to make the transcript
 - ▶ Except when used solely for preparation of minute entries (SCR 124(d)(4))
 - ▶ When present, reporter's record is used (SCR 30(B)(4))
- ▶ Made several minor editorial changes to clarify previously intended meaning + updated reference paragraph numbers from §§ 1-504 and 1-506 after their 1/1/12 update
- ▶ Made transcript coordinator responsible for the timely filing of all transcripts
 - ▶ Requirement to assign a coordinator not changed
 - ▶ Duties elaborated, including providing recordings to authorized transcribers
 - ▶ Removed recommended practice related to considering probable transcript volume before implementing audio recording



Transcript Coordinator Question

- ▶ Expanded requirements for transcript coordinator in D(5)(c) but not requirement to assign someone
- ▶ Goal: a single person responsible for knowing rules and timely filing all transcripts
- ▶ Does not have to be the same individual for all time, but implies that one person at a time performs the role
- ▶ Does assignment of a specific individual to the role of transcript coordinator pose a hardship in rural courts?
- ▶ Leave as “shall”? Change to “should”? Reduce responsibilities?



Motion

- ▶ Approve the proposed amendments for ACJA §I-602, “Digital Recording of Court Proceedings,” as updated by members’ discussion, for posting on the code section review website to gather comments from others

